

Todd M. Friedman, Esq. (216752)
Law Offices of Todd M. Friedman, P.C.
324 S. Beverly Dr., #725
Beverly Hills, CA 90212
Phone: (877) 206-4741
Fax: (866) 633-0228
tfriedman@AttorneysForConsumers.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOW COME THE PARTIES by and through their attorneys to respectfully move this Honorable Court to dismiss this matter with prejudice as to the named Plaintiffs, and without prejudice as to the putative class, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Each party shall bear their own costs and attorney fees. A proposed order has been concurrently submitted to this Court via email.

1 The notice and approval requirements of Federal Rule of Civil Procedure
2 23(e)¹ are inapplicable to the parties' settlement and dismissal of this putative
3 class action because this action has not been certified as a class. Regardless, there
4 is no prejudice to the absent class members because (i) it is highly unlikely that
5 there has been any reliance by putative class members on the filing of this class
6 action to vindicate their rights; (ii) putative class members' claims will not be
7 prejudiced by lack of adequate time to file other actions due to the tolling of the
8 absent class members' claims; (iii) there have been no concessions, impairments
9 or other actions taken by the Parties' counsel that would prejudice the class'
10 claims; and (iv) the putative class members are being dismissed without
11 prejudice.

12 The Parties agree that this Court can proceed to dismiss this Action entirely
13 with prejudice as to the Named Plaintiff and without prejudice as to the Putative
14 Class.

15 Respectfully submitted this 4th day of March, 2015

16
17
18
19
20 By: s/Todd M. Friedman, Esq.
21 TODD M. FRIEDMAN
22 Attorney for Plaintiffs
23
24

25 By: s/ William Benjamin DeClercq, Esq.
26 WILLIAM BENJAMIN DECLERCQ
27 Attorney for Defendants
28

¹ Federal Rule of Civil Procedure 23(e) states "[t]he claims, issues or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the Court's approval.

1 Filed electronically on this 4th day of March, 2015, with:

2 United States District Court CM/ECF system

3 Notification sent electronically via the Court's ECF system to:

4 Honorable Margaret M. Morrow
5 United States District Court
6 Central District of California

7 William Benjamin DeClercq
8 DeClercq Law Group

9

10

11 This 4th day of March, 2015

12 s/Todd M. Friedman, Esq.
13 TODD M. FRIEDMAN

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28